

IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE TWENTY FIRST DAY OF APRIL
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE V.ESWARAIAH

-

W.P.Nos.21189 and 22973 of 2004

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WRIT PETITION NO : 21189 of 2004

Between:

M/s. Kinnera Seeds (P) Ltd., H.No.15-1-60, Srinivasa Colony, Warangal-506 007,
Warangal District, rep. by its Managing Director, N.V.Rama Rao, S/o. Krishna
Murthy, Aged 52 Years, R/o. Warangal, Warangal District.

..... PETITIONER

AND

- 1 The Government of A.P., rep. by its Secretary,
Agriculture & Coop. (Mktg.II) Department, Secretariat Building, Hyderabad.
- 2 The Commissioner & Director of Marketing, Govt of A.P., Hyderabad.
- 3 Selection Grade Secretary, Agriculture Market Committee,
Yenumamula, Warangal-2, Warangal District.
- 4 The Secretary, Agricultural Market Committee, Mulugu,
Headquarters at Yeturu Nagaram, Warangal District.
- 5 The Secretary, Agricultural Market Committee, Mahaboobabad,
Warangal District.
- 6 The Secretary, Agricultural Market Committee, Ganpur, Warangal District.
- 7 The Secretary, Agricultural Market Committee, Kesamudram,
Warangal District.
- 8 The Secretary, Agricultural Market Committee, Jangaon, Warangal District.
- 9 The Secretary, Agricultural Market Committee, Torruru, Warangal District.
- 10 The Secretary, Agricultural Market Committee, Parkal, Warangal District.

11 The Secretary, Agricultural Market Committee, Narasampet,

Warangal District.

12 The Secretary, Agricultural Market Committee, Wardhannapet, Headquarters at Illendu, Warangal District.

13 The Secretary, Agricultural Market Committee, Amudalavasa, Srikakulam District.

14 The Secretary, Agricultural Market Committee, Ponudur, Srikakulam District.

15 The Secretary, Agricultural Market Committee, Pathapatnam, Srikakulam District.

16 The Secretary, Agricultural Market Committee, Tekkali, Srikakulam District.

17 The Secretary, Agricultural Market Committee, Itchapuram, Srikakulam District.

18 The Secretary, Agricultural Market Committee, Narasannapet, Srikakulam District.

19 The Secretary, Agricultural Market Committee, Hiramandalam, Srikakulam District.

20 The Secretary, Agricultural Market Committee, Rajam, Srikakulam District.

21 The Secretary, Agricultural Market Committee, Palakonda, Srikakulam District.

22 The Secretary, Agricultural Market Committee, Kotabommali, Srikakulam District.

23 The Secretary, Agricultural Market Committee, Srikakulam, Srikakulam District.

24 The Secretary, Agricultural Market Committee, Parvathipuram, Vizianagaram District.

25 The Secretary, Agricultural Market Committee, Salur, Vizianagaram District.

26 The Secretary, Agricultural Market Committee, Bobbili, Vizianagaram District.

27 The Secretary, Agricultural Market Committee, Kothavalasa, Vizianagaram District.

28 The Secretary, Agricultural Market Committee, Vizianagaram, Vizianagaram District.

29 The Secretary, Agricultural Market Committee, Gajapathinagaram, Vizianagaram District.

30 The Secretary, Agricultural Market Committee, Cheepurupalli, Vizianagaram District.

31 The Secretary, Agricultural Market Committee, Pusapatirega, Vizianagaram District.

32 The Secretary, Agricultural Market Committee, Anakapalli, Vizianagaram District.

33 The Secretary, Agricultural Market Committee, Chodavaram, Vizianagaram District.

34 The Secretary, Agricultural Market Committee, Yelamanchili, Vizianagaram District.

35 The Secretary, Agricultural Market Committee, Narsipatnam, Vizianagaram District.

36 The Secretary, Agricultural Market Committee, Bhimunipatnam, Headquarters at Tagarapuvalasa, Visakhapatnam District.

37 The Secretary, Agricultural Market Committee, Visakhapatnam, Visakhapatnam District.

38 The Secretary, Agricultural Market Committee, Tuni, E.G. District.

39 The Secretary, Agricultural Market Committee, Rajahmundry, E.G. District.

40 The Secretary, Agricultural Market Committee, Ambajipet, E.G. District.

41 The Secretary, Agricultural Market Committee, Kothapeta, E.G. District.

42 The Secretary, Agricultural Market Committee, Razole, Headquarters at Tatipaka,, E.G. District.

43 The Secretary, Agricultural Market Committee, Pithapuram, E.G. District.

44 The Secretary, Agricultural Market Committee, Kakinada, E.G. District.

45 The Secretary, Agricultural Market Committee, Peddapuram, E.G. District.

46 The Secretary, Agricultural Market Committee, Ramachandrapuram, E.G. District.

- 47 The Secretary, Agricultural Market Committee, Mummidivaram, E.G.District.
- 48 The Secretary, Agricultural Market Committee, Alamuru, Headquarters at Mandapeta, E.G.District.
- 49 The Secretary, Agricultural Market Committee, Anaparthi, E.G.District.
- 50 The Secretary, Agricultural Market Committee, Nagaram, E.G.District.
- 51 The Secretary, Agricultural Market Committee, Allavaram, E.G.District.
- 52 The Secretary, Agricultural Market Committee, Tadepalligudem, E.G.District.
- 53 The Secretary, Agricultural Market Committee, Eluru, E.G.District.
- 54 The Secretary, Agricultural Market Committee, Palakole, E.G.District.
- 55 The Secretary, Agricultural Market Committee, Bhimavaram, E.G.District.
- 56 The Secretary, Agricultural Market Committee, Kovvur, E.G.District.
- 57 The Secretary, Agricultural Market Committee, Tanuku, E.G.District.
- 58 The Secretary, Agricultural Market Committee, Chintalapudi, E.G.District.
- 59 The Secretary, Agricultural Market Committee, Polavaram, Head Quarters at Jangareddygudem, E.G.Dist.
- 60 The Secretary, Agricultural Market Committee, Penugonda, W.G.District.
- 61 The Secretary, Agricultural Market Committee, Bhimadole, E.G.District.
- 62 The Secretary, Agricultural Market Committee, Akinaveedu, W.G.District.
- 63 The Secretary, Agricultural Market Committee, Gopalapuram, W.G.District.
- 64 The Secretary, Agricultural Market Committee, Ungatur, W.G.District.
- 65 The Secretary, Agricultural Market Committee, Achanta, W.G.District.
- 66 The Secretary, Agricultural Market Committee, Jaggayyapet, Krishna District.
- 67 The Secretary, Agricultural Market Committee, Vijayawada. Krishna District.
- 68 The Secretary, Agricultural Market Committee, Machilipatnam, Krishna District.
- 69 The Secretary, Agricultural Market Committee, Guduwada, Krishna District.
- 70 The Secretary, Agricultural Market Committee, Nuzvid, Krishna District.
- 71 The Secretary, Agricultural Market Committee, Pamarru, Krishna District.
- 72 The Secretary, Agricultural Market Committee, Divi Head Quarters at Avanigadda, Krishna District.
- 73 The Secretary, Agricultural Market Committee, Kaikalaru Krishna District.
- 74 The Secretary, Agricultural Market Committee, Gannavaram, Krishna District.
- 75 The Secretary, Agricultural Market Committee, tiruvuru, Krishna District.
- 76 The Secretary, Agricultural Market Committee, Vuyyur, Krishna District.
- 77 The Secretary, Agricultural Market Committee, Nandigama, Krishna District.
- 78 The Secretary, Agricultural Market Committee, Movva Headquarters at Kuchipudi, Krishna District.
- 79 The Secretary, Agricultural Market Committee, Kanchikacherla,

Krishna District.

- 80 The Secretary, Agricultural Market Committee, Mylavaram,
Krishna District.
- 81 The Secretary, Agricultural Market Committee, Malleswaram Headquarters at
Bantumilli, Krishna District.
- 82 The Secretary, Agricultural Market Committee, Tenali,
Guntur District.
- 83 The Secretary, Agricultural Market Committee, Narasaraopet,
Guntur District.
- 84 The Secretary, Agricultural Market Committee, Bapatla,
Guntur District.
- 85 The Secretary, Agricultural Market Committee, Palanadu, Headquarters at
Piduguralla, Guntur District.
- 86 The Secretary, Agricultural Market Committee, Vinukonda,
Guntur District.
- 87 The Secretary, Agricultural Market Committee, Repalli,
Guntur District.
- 88 The Secretary, Agricultural Market Committee, Sattenapalli,
Guntur District.
- 89 The Secretary, Agricultural Market Committee, Mangalagiri,
Guntur District.
- 90 The Secretary, Agricultural Market Committee, macherla,
Guntur District.
- 91 The Secretary, Agricultural Market Committee, Ponnuru,
Guntur District.
- 92 The Secretary, Agricultural Market Committee, Chilakaluripet,
Guntur District.
- 93 The Secretary, Agricultural Market Committee, Emani Headquarters at
Duggirala, Guntur District.
- 94 The Secretary, Agricultural Market Committee, Guntur,
Guntur District.
- 95 The Secretary, Agricultural Market Committee, Tatikonda,
Guntur District.
- 96 The Secretary, Agricultural Market Committee, Ipur,
Guntur District.
- 97 The Secretary, Agricultural Market Committee, Krosuru,
Guntur District.
- 98 The Secretary, Agricultural Market Committee, Ongole,
Prakasam District.
- 99 The Secretary, Agricultural Market Committee, Giddalur,
Prakasam District.
- 100 The Secretary, Agricultural Market Committee, Kandukuru,
Prakasam District.
- 101 The Secretary, Agricultural Market Committee, Addanki,
Prakasam District.
- 102 The Secretary, Agricultural Market Committee, Chirala,
Prakasam District.
- 103 The Secretary, Agricultural Market Committee, Kanigiri,
Prakasam District.
- 104 The Secretary, Agricultural Market Committee, Podili,
Prakasam District.
- 105 The Secretary, Agricultural Market Committee, Darsi,

- Prakasam District.
- 106 The Secretary, Agricultural Market Committee, Markapur,
Prakasam District.
- 107 The Secretary, Agricultural Market Committee, Maddipadu Headquarters at
Santhanuthalapadu, Prakasam District.
- 108 The Secretary, Agricultural Market Committee, Santhamaguluru Headquarters
at Martur, Prakasam District.
- 109 The Secretary, Agricultural Market Committee, Kondepi Headquarters at
Singarayakonda, Prakasam District.
- 110 The Secretary, Agricultural Market Committee, Nellore,
Nellore District.
- 111 The Secretary, Agricultural Market Committee, Gudur,
Nellore District.
- 112 The Secretary, Agricultural Market Committee, Kavali,
Nellore District.
- 113 The Secretary, Agricultural Market Committee, Sullurpet,
Nellore District.
- 114 The Secretary, Agricultural Market Committee, Venkatagiri,
Nellore District.
- 115 The Secretary, Agricultural Market Committee, Kovur,
Nellore District.
- 116 The Secretary, Agricultural Market Committee, Vakadu,
Nellore District.
- 117 The Secretary, Agricultural Market Committee, Naidupet,
Nellore District.
- 118 The Secretary, Agricultural Market Committee, Kadapa,
Kadapa District.
- 119 The Secretary, Agricultural Market Committee, Rajampet,
Kadapa District.
- 120 The Secretary, Agricultural Market Committee, Proddatur,
Kadapa District.
- 121 The Secretary, Agricultural Market Committee, Anantapur,
Anantapur District.
- 122 The Secretary, Agricultural Market Committee, Kadiri,
Anantapur District.
- 123 The Secretary, Agricultural Market Committee, Hindupur,
Anantapur District.
- 124 The Secretary, Agricultural Market Committee, Rayadurg,
Anantapur District.
- 125 The Secretary, Agricultural Market Committee, Tadpathri,
Anantapur District.
- 126 The Secretary, Agricultural Market Committee, Guntakal,
Anantapur District.
- 127 The Secretary, Agricultural Market Committee, Dharmavaram,
Anantapur District.
- 128 The Secretary, Agricultural Market Committee, Kalyandurg,
Anantapur District.
- 129 The Secretary, Agricultural Market Committee, Pendukonda,
Anantapur District.
- 130 The Secretary, Agricultural Market Committee, Urvakonda,
Anantapur District.
- 131 The Secretary, Agricultural Market Committee, Gooty,
Anantapur District.

- 132 The Secretary, Agricultural Market Committee, Kurnool,
Kurnool district.
- 133 The Secretary, Agricultural Market Committee, Adoni,
Kurnool district.
- 134 The Secretary, Agricultural Market Committee, Yemmiganur,
Kurnool district.
- 135 The Secretary, Agricultural Market Committee, Dhone,
Kurnool district.
- 136 The Secretary, Agricultural Market Committee, Hyderabad,
Hyderabad District.
- 137 The Secretary, Agricultural Market Committee, Narsingi,
Ranga Reddy District.
- 138 The Secretary, Agricultural Market Committee, Sankarapalli,
Ranga Reddy District.
- 139 The Secretary, Agricultural Market Committee, Sardarnagar,
Ranga Reddy District.
- 140 The Secretary, Agricultural Market Committee, Khammam,
Khammam District.
- 141 The Secretary, Agricultural Market Committee, Kothagudem,
Khammam District.
- 142 The Secretary, Agricultural Market Committee, Yellandu,
Khammam District.
- 143 The Secretary, Agricultural Market Committee, Bhadrachalam,
Khammam District.
- 144 The Secretary, Agricultural Market Committee, Nugur, Headquarters at
Cherla, Khammam District.
- 145 The Secretary, Agricultural Market Committee, Sattupalli,
Khammam District.
- 146 The Secretary, Agricultural Market Committee, Burgampadu,
Khammam District.
- 147 The Secretary, Agricultural Market Committee, Nelakondapally,
Khammam District.
- 148 The Secretary, Agricultural Market Committee, Wyra,
Khammam District.
- 149 The Secretary, Agricultural Market Committee, Kallur,
Khammam District.
- 150 The Secretary, Agricultural Market Committee, Dammamet,
Khammam District.
- 151 The Secretary, Agricultural Market Committee, Karimnagar,
Karimnagar District.
- 152 The Secretary, Agricultural Market Committee, Peddapalli,
Karimnagar District.
- 153 The Secretary, Agricultural Market Committee, Jammikunta,
Karimnagar District.
- 154 The Secretary, Agricultural Market Committee, Manthani,
Karimnagar District.
- 155 The Secretary, Agricultural Market Committee, Sultanabad,
Karimnagar District.
- 156 The Secretary, Agricultural Market Committee, Huzurabad,
Karimnagar district.
- 157 The Secretary, Agricultural Market Committee, Mahabubnagar,
Mahabubnagar District.
- 158 The Secretary, Agricultural Market Committee, Shadnagar,

- Mahabubnagar District.
- 159 The Secretary, Agricultural Market Committee, Wanaparthi,
Mahabubnagar District.
- 160 The Secretary, Agricultural Market Committee, Makthal
Medak District.
- 161 The Secretary, Agricultural Market Committee, Alampur Headquarters at
Raichur X Road, Mahabubnagar District.
- 162 The Secretary, Agricultural Market Committee, Sadasivapet,
Medak District.
- 163 The Secretary, Agricultural Market Committee, Zaheerabad,

- Medak District.
- 164 The Secretary, Agricultural Market Committee, Bhongir,
Nalgonda district.
- 165 The Secretary, Agricultural Market Committee, Alair,
Nalgonda district.
- 166 The Secretary, Agricultural Market Committee, Miryalaguda,
Nalgonda district.
- 167 The Secretary, Agricultural Market Committee, Suryapet,
Nalgonda district.
- 168 The Secretary, Agricultural Market Committee, Kodad
Nalgonda district.
- 169 The Secretary, Agricultural Market Committee, Huzurnagar,
Nalgonda district.
- 170 The Secretary, Agricultural Market Committee, Neredcherla,
Nalgonda district.

....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to Issue a Writ of Mandamus or any other appropriate Writ, Order or direction, declaring impugned Notice No. Agriculture Market Committee, Warangal/Assessment/2/2004-05/1058, dt. 11.9.2004, issued by the 3rd respondent, as illegal and without jurisdiction and issue consequential direction prohibiting the respondents from demanding and collecting the Market fee on the sale and purchase of Certified as well as Truthfully Labeled Seed for sowing purpose from the Petitioner Company and also direct the respondents to refund the illegally collected market fee of Rs. 4,79,470/- from the petitioner.

Counsel for the Petitioner: MR.P.PANKAJ REDDY

Counsel for the Respondent : MR.K.MADHAVA REDDY FOR R1&2

GP FOR COOPERATION FOR R1&2

MR.V.V.NARAYANA RAO FOR RR

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WRIT PETITION NO : 22973 of 2004

Between:

M/s.Mahalaxmi Seeds, Jammikunta Road, Huzurabad-505468, Karimnagar Dist.
rep.by its Managing partner - Thakkalapally Sampath Rao, S/o.Raja Rao, Saidapur
Road, Post & Mandal,
Huzurabad, Karimnagar District.

..... PETITIONER

AND

- 1 The Government of Andhra Pradesh, rep.by its Secretary, Agricultural & Coop. (Mktg.II) Department, Secretariat Building, Hyderabad.
- 2 The Commissioner & Director of Marketing, Government of Andhra Pradesh, Hyderabad.
- 3 Selection Grade Secretary, Agriculture Market Committee, Yenumamula, Warangal-2, Warangal District.
- 4 The Secretary, Agricultural Market Committee, Mulugu, Headquarters at Yeturu Nagaram, Warangal Dist.
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- 17 The Secretary, Agricultural Market Committee, Bobbili, Vizianagaram Dist.
- 18 The Secretary, Agricultural Market Committee, Vizianagaram, Vizianagaram Dist.
- 19 The Secretary, Agricultural Market Committee, Anakapalli, Visakhapatnam Dist.
- 20 The Secretary, Agricultural Market Committee, Narsipatnam, Visakhapatnam District.
- 21 The Secretary, Agricultural Market Committee, Tuni, E.G.District.
- 22 The Secretary, Agricultural Market Committee, Rajahmundry, E.G.District.
- 23 The Secretary, Agricultural Market Committee, Ambajipet, E.G.District.
- 24 The Secretary, Agricultural Market Committee, Kothapeta, E.G.District.
- 25 The Secretary, Agricultural Market Committee, Razole, Headquarters at Tatipaka, East Godavari District.
- 26 The Secretary, Agricultural Market Committee, Pithapuram, E.G.District.
- 27 The Secretary, Agricultural Market Committee, Kakinada, E.G.District.
- 28 The Secretary, Agricultural Market Committee, Ramachandrapuram,

E.G.District.

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- 64 The Secretary, Agricultural Market Committee, Wyr, Khammam District.
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- 70 The Secretary, Agricultural Market Committee, Sultanabad, Karimnagar District.
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- 74 The Secretary, Agricultural Market Committee, Suryapet, Nalgonda District.
- 75 The Secretary, Agricultural Market Committee, Kodad, Nalgonda District.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ of Mandamus or any other appropriate writ, order or direction, declaring the action of the respondents in demanding the petitioner to pay the market fee under the A.P.(Agricultural produce & Live stock) Markets Act, 1966, as illegal and without jurisdiction and issue consequential direction prohibiting the respondents from demanding and collecting the Market fee on the sale and purchase of certified as well as Truthfully Labeled seed for sowing purpose from the petitioner company and also direct the respondents to refund the excess amount illegally collected towards market fee from the petitioner; and pass other order or orders.

Counsel for the Petitioner: MR.P.PANKAJ REDDY

Counsel for the Respondent No.: GP FOR COOPERATION

The Court made the following :

ORDER:

It is represented by both counsel that the subject matter of the writ petitions is squarely covered by the judgment of this Court in W.P.No.13527 of 2004 and batch dated 8.2.2005.

Following the same, these two writ petitions are, accordingly, disposed of with the following directions:

- a. Seeds developed and manufactured by the petitioners and sold as certified or labelled seeds, are not subject to levy of market fee, and the demand notices issued therefor are set aside.
- b. Vegetable seeds are not covered by the provisions of the

Andhra Pradesh (Agricultural Produce and Livestock) Markets Act, 1966, and are not subject to levy of market fee.

- c. Such part of the product, grown out of foundation seed, by a farmer, chosen by the seed manufacturers, as is not sold and used as seed, shall be liable to be levied the market fee. For this purpose, the Executive Heads of the Market Committees shall be entitled to require the Seed Manufacturers, operating within the notified area, to furnish the relevant particulars and take consequential steps.

There shall be no order as to costs.

(V.ESWARAIAH, J.)

21.12.2005

kpr

To

- 1 The Secretary to Govt., Government of A.P.,
Agriculture & Coop. (Mktg.II) Department, Secretariat Building, Hyderabad.
- 2 The Commissioner & Director of Marketing, Govt of A.P., Hyderabad.
- 3 Selection Grade Secretary, Agriculture Market Committee,
Yenumamula, Warangal-2, Warangal District.
- 4 The Secretary, Agricultural Market Committee, Mulugu,
Headquarters at Yeturu Nagaram, Warangal District.
- 5 The Secretary, Agricultural Market Committee, Mahaboobabad,
Warangal District.
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Warangal District.
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Warangal District.

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- 66 The Secretary, Agricultural Market Committee, Jaggayyapet, Krishna District.
- 67 The Secretary, Agricultural Market Committee, Vijayawada, Krishna District.
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